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Before the

FEDERAL COMMUNICATIONS COMMISSION

EZ's "Reply to Opposition to Petition to Dismiss or Deny" violates the restrictions on replies by offering new engineering evidence that could have readily been offered in its original petition and is not directly responsive to ACGI's opposition. Specifically, the statement of Herman E. Hurst, Jr. attached to the reply argues for the first time that: (1) "a permissible site area exists in which the proposed [ACGI] transmitter site would have the ability to be fully compliant with the FCC rules and regulations pertaining to contour protection" (Hurst Statement, P. 3), (2) ACGI's August 30, 1991 amendment fails to adequately

The attached engineering statement of Laura M. Mizrahi demonstrates that EZ's new arguments, like the arguments in its petition to deny, are totally baseless. EZ's argument concerning the existence of a "fully compliant" site (at least as EZ interprets the Commission's rules), ignores the note following Section 73.215 of the Commission's rules. The argument concerning the Barnesboro allocation must fail because there is no requirement that ACGI protect a potential allotment at this time, and if such a requirement existed, ACGI did provide proper protection to the proposed allotment. Finally, Ms. Mizrahi's engineering statement conclusively demonstrates that ACGI's proposal complies with all applicable standards regarding RF radiation. Ms. Mizrahi's engineering affidavit is limited to new arguments raised in EZ's reply.

Accordingly, ACGI asks the Commission to accept this response to EZ's "Reply to Opposition to Petition to Dismiss or Deny".

Repectfully submitted,

ALLEGHENY COMMUNICATIONS GROUP, INC.

By: _____
Morton L. Berfield

By: _____
John J. Schauble

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Its Attorneys

Date: February 7, 1992

ENGINEERING STATEMENT
IN RESPONSE TO
REPLY TO OPPOSITION TO PETITION TO
DISMISS OR DENY
FILED BY E Z COMMUNICATIONS, INC.

PREPARED ON BEHALF OF
ALLEGHENY COMMUNICATIONS GROUP, INC.
PITTSBURGH, PENNSYLVANIA
FILE NO. BPH-910628MC

JANUARY 1992

ENGINEERING STATEMENT
IN RESPONSE TO
REPLY TO OPPOSITION TO PETITION TO
DISMISS OR DENY
FILED BY E Z COMMUNICATIONS, INC.

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SUMMARY

This statement has been prepared on behalf of Allegheny Communications Group, Inc.

EZ further implies that "with such a waiver request (emphasis added), the [ACGI] application would be fully compliant with all Rules. However, it is not the request of such a waiver but the granting of it by the Commission which would result in such compliance. There is no reason to believe, based on the Commission's position as stated in its Report and Order in Docket 87-121, that such a waiver request would be granted. Specifically, the Commission states under *Section 73.215(e)* that, "until further notice, the Commission will not accept applications that specify short-spaced antenna locations pursuant to this section wherein the proposed distance separation is less than the normally required distance separation in *Section 73.207* by more than 8 kM (5 miles)". Additionally, the Commission further expounded on this issue regarding the amendment of short spaced antenna assignments in its Memorandum Opinion and Order in MM Docket 87-121, released September 21, 1991. Discussed within *Issue 2, Paragraph 23*, the Commission held firmly to the 8 kM limit that was imposed in *Section 73.215(e)* and gave no indication of when said limit would be changed.

EZ cannot have it both ways. Either a fully compliant site area exists (i.e., one which meets the Commission's requirements), or it does not.

VIOLATION OF *SECTION 73.215* ARGUMENT WITH RESPECT TO PROPOSED BARNESBORO, PENNSYLVANIA ALLOCATION

The Petition for Rule Making which resulted in the proposed allocation of either Channel 223A or Channel 228A at Barnesboro, Pennsylvania, was filed prior to the inception of the increase in maximum transmitting power for Class A stations adopted in MM Docket 88-375, effective October 2, 1989. Therefore, Barnesboro was allocated as a Class A, 3 kW facility. As such, and as acknowledged by the Commission in all subsequent Report and Orders regarding such allocations, the appropriate spacing standards for allocations such as the Barnesboro allocation are contained in *Section 73.213 (c)(1)* of the Commission's Rules. The Commission's proposed

reference coordinates for Barnesboro would not comply with the spacing standards for 6 kW operation as contained in *Section 73.207* of the Commission's Rules (*See attached Tables I - IV*). Since 6 kW operation on the Barnesboro channel is not feasible, the maximum ERP and antenna HAAT that could be authorized for the Barnesboro channel is 3 kW at 100 meters HAAT. **ACGI's** amendment demonstrated that its proposal provided contour protection to the maximum possible facility for the Barnesboro allocation as described above.

EZ seeks to establish the erroneous allegation that **ACGI** incorrectly protected the proposed Barnesboro allocation through the use of *Section 73.213(c)(1)* spacing standards and *Section 73.215* of the Commission's Rules. This is clearly not the case due to the above explanation regarding Class A allotments prior to October 2, 1989. Therefore, EZ's Engineering Exhibit 3 is incorrect.

RESPONSE TO ENVIRONMENTAL/RADIO FREQUENCY ANALYSIS

Page 13 of the engineering statement attached to the Reply to Opposition prepared by EZ states ....." the proposed facility would significantly exceed the *ANSI* guideline value on the roof level...". EZ has offered no support for this allegation and the allegation is, in fact, incorrect.

EZ states that **ACGI** failed to consider the effect of relay FM and TV facilities. This statement is without substantiation. These facilities have no significant effect and need not be listed. The following calculations were performed using the *formula on Page 9 of OST Bulletin No. 65* for FM stations and *Formula 5 on Page 13 of OST Bulletin No. 65* for television broadcasting to describe the lack of substance in EZ's allegation:

WORD Channel 284, CP, ERP 19.2 kW Directional	
Horizontal distance between tower bases =	19,325 cm
Distance from WORD RC to base of **ACGI** structure =	24,172 cm
Distance from WORD RC to roof of **ACGI** structure =	22,472 cm

Worst case power density on ground =	0.0220 mw/cm^2
% of *ANSI* standard =	2.20 %
Worst case power density on roof =	0.0254 mw/cm^2
% of *ANSI* standard =	2.54%

WMXP Channel 264, LIC, ERP 17 kW Directional

Horizontal distance between tower bases =	19,325 cm
Distance from WMXP RC to base of **ACGI** structure =	25,230 cm
Distance from WMXP RC to roof of **ACGI** structure =	23,385 cm
Worst case power density on ground =	0.0178 mw/cm^2
% of *ANSI* standard =	1.78 %
Worst case power density on roof =	0.0208 mw/cm^2
% of *ANSI* standard =	2.08 %

WPGH-TV Channel 53, LIC, ERP 2,338 kW Omni-directional

Horizontal distance between tower bases =	19,325 cm
Distance from WPGH RC to base of **ACGI** structure =	28,923 cm
Distance from WPGH RC to roof of **ACGI** structure =	26,730 cm
Worst case power density on ground, F = 0.05 =	0.297 mw/cm^2
% of *ANSI* standard =	12.66 %
Worst case power density on roof, F = 0.05 =	0.322 mw/cm^2
% of *ANSI* standard =	13.72 %

ACGI Channel 229B, APP, ERP 43.5 kW Directional

Distance to base of **ACGI** structure =	6,100 cm
Distance to roof of **ACGI** structure =	3,505 cm
Worst case power density on ground =	0.7811 mw/cm^2
% of *ANSI* standard =	78.11 %
Worst case power density on roof =	0.6049 mw/cm^2
% of *ANSI* standard =	60.49 %

The cumulative percentage of the *ANSI* standard on the ground is 94.75% with **ACGI** making up 78.11% of the total. Public exposure is limited to the ground at the tower base. It is clear that other contributors play no significant part in the *ANSI* limit nor would low power users such as two-way and paging users mounted on the structure greater than 100 feet above ground.

In making this statement, it must be borne in mind that worst case calculations have been used throughout for public exposure at ground level. Actual levels are expected to be far less than the worst case values calculated herein.

Worker exposure, not public exposure, is the issue on the roof of the **ACGI** support structure. Here, the worst case assumption has been taken for all other high power users and the **ACGI** facility has been analyzed very conservatively for a worst case relative field value toward the roof of 0.44 (*See ERI elevation pattern on file for **ACGI***). The cumulative percentage of the *ANSI* standard on the roof is 78.83%, again, far below the allowable value if a worker were to be present on the roof.

However, worker exposure is not an issue no matter what the values of computed radiation. **ACGI** has plainly stated in its August, 1991 amendment:

> **"When work on the tower is required, RF radiation compliance and coordination will be adhered to as described in the policy. Additional protective measures to be taken will include the posting of warning signs at the tower base, carefully monitored worker maintenance logs and limited access on the tower. Further, Allegheny will reduce or eliminate its transmitter power during such time as workers are on the tower, if necessary."**

Worker exposure on the roof is clearly not an issue since **ACGI** has stated that it will turn the transmitter off as required. Worker exposure in the building would not be a problem and **ACGI** is willing to certify the entire RF radiation issue by the taking of measurements prior to the filing FCC Form 302.

CONCLUSION

It is believed that each of the technical issues newly raised by EZ Communications, Inc. in its Response to Opposition to Petition to Dismiss or Deny the application filed by **Allegheny Communications Group, Inc.** have been fully addressed herein and found to be without substance or merit. The balance of EZ's reply comments relate to or repeat previous allegations as posed in its original Petition to Dismiss or Deny and have previously been addressed by

TABLE I

PROPOSED PRM REFERENCE COORDINATES

TABLE II

PROPOSED PRM REFERENCE COORDINATES FOR CHANNEL 223A BARNESBORO, PENNSYLVANIA AS SPECIFIED IN MM DOCKET NO. 87-433 UTILIZING 73.207 STANDARDS

Search of channel 223A+ (92.5 MHz), at N. 40 38 32, W. 78 52 10.

CALL	CITY	ST	CHN	CL	S	DIST	REQ. SEPN	BRNG	CLEARANCE
ALC	California	PA	220	A	U	109.6	31.0	233.1°	78.6
WVCS	California	PA	220	A	L	109.6	31.0	233.1°	78.6
WGLU	Johnstown	PA	221	A	L	31.7	31.0	197.8°	0.7
ALC	Johnstown	PA	221	A	U	31.7	31.0	197.8°	0.7
ALC	Warren	PA	222	B	U	132.5	113.0	349.1°	19.5
WKVRFM	Huntingdon	PA	222	D	L	74.1	0.0	102.3°	74.1
ALC	Oakland	MD	222	A	U	144.3	72.0	202.9°	72.3
WXIE	Oakland	MD	222	A	L	144.3	72.0	202.9°	72.3
WRRN	Warren	PA	222	B	L	132.5	113.0	349.1°	19.5
WINCFM	Winchester	VA	223	B	L	200.8	178.0	158.9°	22.8
ALC	Toronto	ON	223	C1		335.9	256.0	352.7°	79.9
WJUNFM	Mexico	PA	223	A	C	126.9	115.0	98.3°	11.9
ALC	Alliance	OH	223	B	U	189.8	178.0	275.0°	11.8
ALC	Winchester	VA	223	B	U	200.8	178.0	158.9°	22.8
WQMU	Indiana	PA	223	A	A	23.4	115.0	268.9°	-91.6
WRHB	Barnesboro	PA	223	A	D	0.0	115.0	0.0°	-115.0
WINCFM	Winchester	VA	223	B	C	200.7	178.0	158.9°	22.7
WDJQ	Alliance	OH	223	B	L	189.8	178.0	275.0°	11.8
ALC	Barnesboro	PA	223	A	V	6.8	115.0	32.9°	-108.2
ALC	Mexico	PA	223	A	U	129.8	115.0	95.2°	14.8
WJUNFM	Mexico	PA	223	A	L	126.9	115.0	98.3°	11.9
ALC	Clarion	PA	224	A	U	74.6	72.0	333.7°	2.6
ALC	Martinsburg	PA	224	A	U	64.5	72.0	126.9°	-7.5
ALC	Westernport	MD	224	A	U	129.2	72.0	186.7°	57.2
WWPN	Westernport	MD	224	A	L	129.2	72.0	187.0°	57.2
WWPN	Westernport	MD	224	A	D	129.2	72.0	187.0°	57.2
WSNU	Lock Haven	PA	224	A	A	129.2	72.0	64.3°	57.2
WCCR	Clarion	PA	224	A	L	74.6	72.0	333.7°	2.6
WJSMFM	Martinsburg	PA	224	A	L	64.5	72.0	126.9°	-7.5
WVCV	Boalsburg	PA	225	A	C	95.0	31.0	82.6°	64.0
WLTJ	Pittsburgh	PA	225	B	L	98.7	69.0	260.4°	29.7
ALC	Pittsburgh	PA	225	B	U	98.7	69.0	260.4°	29.7
ALC	Clearfield	PA	226	B1	V	58.4	48.0	50.8°	10.4
ALC	Duncansville	PA	226	A	A	35.7	31.0	123.0°	4.7
WQMU	Indiana	PA	276	A	L	23.4	10.0	268.9°	13.4
W276AS	Martinsburg, etc.	PA	276	D	L	64.5	0.0	126.9°	64.5
WBHV	State College	PA	276	A	L	88.8	10.0	78.0°	78.8
WQMU	Indiana	PA	276	A	D	23.4	10.0	268.9°	13.4
WQMU	Indiana	PA	276	A	A	23.4	10.0	268.9°	13.4
ALC	Indiana	PA	276	A	U	23.4	10.0	268.9°	13.4
ALC	State College	PA	276	A	U	88.8	10.0	78.0°	78.8
ALC	Brookville	PA	277	B1	A	48.0	12.0	335.9°	36.0
NEW	Johnsonburg	PA	277	A	A	83.7	10.0	10.4°	73.7

TABLE III

PROPOSED PRM REFERENCE COORDINATES
FOR CHANNEL 228A BARNESBORO, PENNSYLVANIA
AS SPECIFIED IN MM DOCKET NO. 87-433
UTILIZING 73.213 STANDARDS

Search of channel 228A (93.5 MHz), at N. 40 40 0, W. 78 49 0.

CALL	CITY	ST	CHN	CL	S	DIST	REQ. SEPN	BRNG	CLEARANCE
WVCV	Boalsburg	PA	225	A	C	90.2	27.0	84.0°	63.2
WLTJ	Pittsburgh	PA	225	B	L	103.6	69.0	259.3°	34.6
ALC	Pittsburgh	PA	225	B	U	103.6	69.0	259.3°	34.6
ALC	Clearfield	PA	226	B1	V	53.2	48.0	50.0°	5.2
ALC	Duncansville	PA	226	A	A	33.7	27.0	131.0°	6.7
WHTO	Muncy	PA	227	B1	A	168.1	89.0	68.6°	79.1
ALC	Jamestown	NY	227	B	U	162.4	105.0	345.9°	57.4
ALC	Youngstown	OH	227	B	U	161.1	105.0	286.6°	56.1
WWSE	Jamestown	NY	227	B	L	162.4	105.0	345.9°	57.4
WBBG	Youngstown	OH	227	B	L	161.1	105.0	286.6°	56.1
WQZS	Meyersdale	PA	227	A	C	101.1	64.0	197.2°	37.1
ALC	Meyersdale	PA	227	A	U	96.6	64.0	190.7°	32.6
NEW	Meyersdale	PA	227	A	A	95.8	64.0	190.6°	31.8
WRHB	Barnesboro	PA	228	A	A	0.0	105.0	0.0°	-105.0
ALC	Wellsville	NY	228	A	U	181.6	105.0	24.3°	76.6
ALC	Mechanicsburg	PA	228	A	U	173.3	105.0	108.3°	68.3
ALC	Berkeley Springs	WV	228	A	U	127.3	105.0	156.3°	22.3
WTPA	Mechanicsburg	PA	228	A	L	173.3	105.0	108.3°	68.3
WJQZ	Wellsville	NY	228	A	L	181.6	105.0	24.3°	76.6
W228AQ	Altoona	PA	228	D	L	33.7	0.0	109.0°	33.7
WQYX	Clearfield	PA	228	A	L	52.0	105.0	36.7°	-53.0
WJSAFM	Jersey Shore	PA	228	A	L	149.7	105.0	65.2°	44.7
WTPA	Mechanicsburg	PA	228	A	A	173.3	105.0	108.3°	68.3
WCSTFM	Berkeley Springs	WV	228	A	L	127.3	105.0	156.3°	22.3
ALC	Boalsburg	PA	229	A	V	90.2	64.0	84.0°	26.2
ALC	Pittsburgh	PA	229	B	U	105.4	105.0	256.3°	0.4
WBZZ	Pittsburgh	PA	229	B	L	105.4	105.0	256.3°	0.4
NEW	Pittsburgh	PA	229	B	A	102.3	105.0	259.4°	-2.7
NEW	Pittsburgh	PA	229	B	A	107.2	105.0	254.9°	2.2
ALC	St. Marys	PA	230	B1	V	85.8	48.0	14.2°	37.8
WQYX	Clearfield	PA	230	B1	A	47.8	48.0	42.3°	-0.2
WQZKFM	Keyser	WV	231	B	L	139.0	69.0	184.8°	70.0
ALC	Keyser	WV	231	B	U	139.0	69.0	184.8°	70.0
WPXZFM	Punxsutawney	PA	281	A	A	36.1	8.0	334.3°	28.1
ALC	Everett	PA	282	A	U	81.8	8.0	152.7°	73.8
WSKEFM	Everett	PA	282	A	L	81.9	8.0	154.5°	73.9

TABLE IV

PROPOSED PRM REFERENCE COORDINATES
FOR CHANNEL 228A BARNESBORO, PENNSYLVANIA
AS SPECIFIED IN MM DOCKET NO. 87-433
UTILIZING 73.207 STANDARDS

Search of channel 228A+ (93.5 MHz), at N. 40 40 0, W. 78 49 0.

CALL	CITY	ST	CHN	CL	S	DIST	REQ. SEPN	BRNG	CLEARANCE
WVCV	Boalsburg	PA	225	A	C	90.2	31.0	84.0°	59.2
WLTJ	Pittsburgh	PA	225	B	L	103.6	69.0	259.3°	34.6
ALC	Pittsburgh	PA	225	B	U	103.6	69.0	259.3°	34.6
ALC	Clearfield	PA	226	B1	V	53.2	48.0	50.0°	5.2
ALC	Duncansville	PA	226	A	A	33.7	31.0	131.0°	2.7
WHTO	Muncy	PA	227	B1	A	168.1	96.0	68.6°	72.1
ALC	Jamestown	NY	227	B	U	162.4	113.0	345.9°	49.4
ALC	Youngstown	OH	227	B	U	161.1	113.0	286.6°	48.1
ALC	Muncy	PA	227	B1	V	173.9	96.0	66.1°	77.9
WWSE	Jamestown	NY	227	B	L	162.4	113.0	345.9°	49.4
WBBG	Youngstown	OH	227	B	L	161.1	113.0	286.6°	48.1
WQZS	Meyersdale	PA	227	A	C	101.1	72.0	197.2°	29.1
ALC	Meyersdale	PA	227	A	U	96.6	72.0	190.7°	24.6
NEW	Meyersdale	PA	227	A	A	95.8	72.0	190.6°	23.8
WRHB	Barnesboro	PA	228	A	A	0.0	115.0	0.0°	-115.0
ALC	Wellsville	NY	228	A	U	181.6	115.0	24.3°	66.6
ALC	Mechanicsburg	PA	228	A	U	173.3	115.0	108.3°	58.3
ALC	Berkeley Springs	WV	228	A	U	127.3	115.0	156.3°	12.3
WTPA	Mechanicsburg	PA	228	A	L	173.3	115.0	108.3°	58.3
WJQZ	Wellsville	NY	228	A	L	181.6	115.0	24.3°	66.6
W228AQ	Altoona	PA	228	D	L	33.7	0.0	109.0°	33.7
WQYX	Clearfield	PA	228	A	L	52.0	115.0	36.7°	-63.0
WJSAFM	Jersey Shore	PA	228	A	L	149.7	115.0	65.2°	34.7
WTPA	Mechanicsburg	PA	228	A	A	173.3	115.0	108.3°	58.3
WCSTFM	Berkeley Springs	WV	228	A	L	127.3	115.0	156.3°	12.3
CBCLFM	London	ON	228	C1		330.3	256.0	320.3°	74.3
ALC	Boalsburg	PA	229	A	V	90.2	72.0	84.0°	18.2
ALC	Pittsburgh	PA	229	B	U	105.4	113.0	256.3°	-7.6
WBZZ	Pittsburgh	PA	229	B	L	105.4	113.0	256.3°	-7.6
NEW	Pittsburgh	PA	229	B	A	102.3	113.0	259.4°	-10.7
NEW	Pittsburgh	PA	229	B	A	107.2	113.0	254.9°	-5.8
ALC	St. Marys	PA	230	B1	V	85.8	48.0	14.2°	37.8
WQYX	Clearfield	PA	230	B1	A	47.8	48.0	42.3°	-0.2
WQZKFM	Keyser	WV	231	B	L	139.0	69.0	184.8°	70.0
ALC	Keyser	WV	231	B	U	139.0	69.0	184.8°	70.0
WPXZFM	Punxsutawney	PA	281	A	A	36.1	10.0	334.3°	26.1
ALC	Everett	PA	282	A	U	81.8	10.0	152.7°	71.8
WSKEFM	Everett	PA	282	A	L	81.9	10.0	154.5°	71.9

CERTIFICATE OF SERVICE

I, Brenda E. Domyan, hereby certify that on this 7th day of February 1992 a copy of the foregoing "Motion for Leave to Respond to Reply to Opposition to Petition to Deny" was sent via first class mail, postage paid, to the following office.

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Brenda E. Domyan

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